

Application No. 10/058,443  
RESPONSE dated August 26, 2003  
In reply to Office Action of August 12, 2003

**REMARKS**

35 USC 363 provides that the filing date of an International Application designating the United States (here, PCT/EP99/00286 filed January 19, 1999) is also the filing date of corresponding U.S. National application. See MPEP 1893.03(b). "For most legal purposes, the filing date is the PCT International Filing Date." *Ibid.* Accordingly, the proper filing date of parent application Serial No. 09/642,390 was January 19, 1999, or eight months prior to the August 5, 1999 publication date of DE198 03 362A1.

In addition, MPEP 1895.01 provides:

A foreign priority claim is proper if (1) a claim for foreign priority was made in the international application, and (2) the foreign application was filed within 12 months prior to the international filing date.

Here, a claim to the German foreign priority of application DE 198 03 362.1 was made in the International Application PCT/EP 99 00286 as shown on the face of the PCT application. Thus condition (1) has been satisfied. As to condition (2), the foreign German application was filed on January 29, 1999, which is within 12 months prior to the international filing date of January 19, 1999 for the PCT application. Condition (2) is therefore also satisfied.

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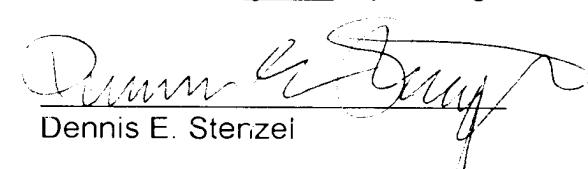
For the reasons stated, favorable reconsideration is respectfully solicited.

Respectfully submitted,

  
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#### CERTIFICATE OF MAILING

I hereby certify that this RESPONSE, together with new page 1 of the Specification, Certificate of Mailing and Return Acknowledgment Postcard, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on this 26<sup>th</sup> day of August, 2003.

  
Dennis E. Stenzel